

## **IC 31-36**

# **ARTICLE 36. JUVENILE LAW: MISSING CHILDREN**

## **IC 31-36-1**

### **Chapter 1. Reports of Missing Children**

## **IC 31-36-1-1**

Sec. 1. A law enforcement agency in which a notification about a missing child has been made shall prepare a report on the missing child. That report must include the following:

- (1) Information that the law enforcement agency determines is relevant that is obtained in the course of the notification about the missing child, including the following:
  - (A) A physical description of the child.
  - (B) The date and place of the child's birth.
  - (C) The name and address of the last school attended by the child, if any.
- (2) Information or evidence gathered by a preliminary investigation, if one was made.
- (3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

*As added by P.L.1-1997, SEC.19.*

## **IC 31-36-1-2**

Sec. 2. The law enforcement agency shall prepare the report required by section 1 of this chapter as soon as practicable, but not later than five (5) hours after the law enforcement agency received the notification about a missing child. However, a law enforcement agency is not required to prepare the report required by section 1 of this chapter earlier than twenty-four (24) hours after the law enforcement agency received the notification about a missing child if:

- (1) the law enforcement agency received a previous, unrelated notification that the child was missing; and
- (2) the law enforcement agency has reason to believe that the child is missing because the child has committed a delinquent act under IC 31-37-2-2.

*As added by P.L.1-1997, SEC.19.*

## **IC 31-36-1-3**

Sec. 3. Upon completion of the report required by section 1 of this chapter, the law enforcement agency shall immediately forward the contents of the report to:

- (1) all law enforcement agencies that have jurisdiction of the location in which the missing child lives and all law enforcement agencies that have jurisdiction of the location in which the missing child was last seen;
- (2) all law enforcement agencies to which the person who provided notification requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information contained in the report;

- (3) all law enforcement agencies that request a copy of the report;
- (4) the Indiana clearinghouse for information on missing children established by IC 10-1-7;
- (5) the Indiana data and communication system (IDACS); and
- (6) the National Crime Information Center's Missing Person File.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-1-4**

Sec. 4. Not later than fifteen (15) days after completion of the report required by section 1 of this chapter, the law enforcement agency shall forward the contents of the report to the last:

- (1) child care center or child care home in which the child was enrolled; or
- (2) school the child attended in Indiana, if any;

if the child is less than thirteen (13) years of age.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-1-5**

Sec. 5. (a) Upon receiving a report under section 4 of this chapter, a school shall attach a notice to the child's school records stating that the child has been reported missing. The school shall remove the notice when the school is notified under IC 31-36-2-6 that the child has been found.

(b) If a request for the school records of a missing child is received, the school shall:

- (1) obtain:
  - (A) the name, address, and telephone number of the person making the request; and
  - (B) the reason that the person is requesting the school records;
- and
- (2) immediately notify the Indiana clearinghouse for information on missing children.

(c) The school may not issue a copy of school records without authorization from the Indiana clearinghouse for information on missing children and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

*As added by P.L.1-1997, SEC.19.*

## **IC 31-36-2**

### **Chapter 2. Investigation of Reports of Missing Children**

#### **IC 31-36-2-1**

Sec. 1. A law enforcement agency shall begin an investigation concerning the missing child not later than twenty-four (24) hours after receiving notification that the child is missing.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-2-2**

Sec. 2. A law enforcement agency involved in the investigation of a missing child shall do the following:

- (1) Update the initial report filed by the agency that received notification of the missing child upon the discovery of new information concerning the investigation.
- (2) Forward the updated report to the agencies and organizations listed in IC 31-36-1-3.
- (3) Search the National Crime Information Center's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's National Crime Information Center's Missing Person File.
- (4) Notify all law enforcement agencies involved in the investigation, the Indiana clearinghouse for information on missing children, and the National Crime Information Center when the missing child is located.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-2-3**

Sec. 3. (a) If a child has:

- (1) been reported missing to a law enforcement agency; and
- (2) not been located within thirty (30) days after the report was made to the law enforcement agency;

the law enforcement agency conducting the investigation of the missing child may request a parent or guardian of the missing child to provide written consent for the law enforcement agency to examine a copy of the missing child's dental records.

(b) A dentist receiving a request from a law enforcement agency with written consent provided under subsection (a) shall provide a copy of the missing child's dental records to the law enforcement agency.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-2-4**

Sec. 4. (a) A state or local governmental agency or a public or private organization maintaining a record of the fingerprints of a child shall release a copy of that record to a law enforcement agency if:

- (1) the child is a missing child (as defined in IC 10-1-7-2);
- (2) a parent or guardian of the child provides written consent for the release of the record; and
- (3) the law enforcement agency requests a copy of the record.

(b) Except as provided in IC 31-39-5, a record of the fingerprints of

a child taken and retained by a state or local governmental agency shall be destroyed when the child becomes eighteen (18) years of age.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-2-5**

Sec. 5. (a) If an arrest warrant is issued for a person who has allegedly abducted or unlawfully retained a missing child, the law enforcement agency issuing the warrant shall immediately enter all identifying information regarding the person into the National Crime Information Center's Wanted Person File.

(b) Upon entering the warrant information into the National Crime Information Center's Wanted Person File, the agency shall update the report in the National Crime Information Center's Missing Person File.

*As added by P.L.1-1997, SEC.19.*

#### **IC 31-36-2-6**

Sec. 6. When a law enforcement agency is notified that a child for whom that agency prepared a report under IC 31-36-1-1 has been found, that agency shall promptly notify the persons described in IC 31-36-1-3 and IC 31-36-1-4.

*As added by P.L.1-1997, SEC.19.*